

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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TRANSAMERICA LIFE INSURANCE  
COMPANY and WESTERN RESERVE  
LIFE ASSURANCE CO. OF OHIO,

Plaintiffs,

v.

JOSEPH CARAMADRE; RAYMOUR  
RADHAKRISHNAN; ESTATE PLANNING  
RESOURCES, INC.; ADM ASSOCIATES,  
LLC; HARRISON CONDIT; EDWARD  
MAGGIACOMO, JR.; and FORTUNE  
FINANCIAL SERVICES, INC.,

Defendants.

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C.A. No. 09-470 S

**ORDER**

WILLIAM E. SMITH, Chief Judge.

Before the Court is a Motion for Leave to File Motion, Instanter ("Motion"), filed by Defendant ADM Associates, LLC ("ADM"), requesting "leave to submit its memorandum of law in support of its opposition to Plaintiffs['] motion for partial summary judgment in the above-referenced matter today [June 16, 2016]." (ECF No. 220.) Plaintiffs filed an Objection to ADM's Motion. (ECF No. 223.) For the reasons that follow, ADM's Motion is DENIED.

On March 17, 2016, Plaintiffs filed a Motion for Partial Summary Judgment. (ECF No. 212.) Responses were due April 4,

2016. On April 6, 2016, Defendants ADM and Joseph Caramadre filed a Joint Motion for [30] Day Enlargement of Scheduling Order. (ECF No. 215.) The Court granted this motion and gave Defendants until May 15 to file a response to Plaintiffs' Partial Motion for Summary Judgment. (04/14/2016 Text Order.) On May 31, 2016, the Court received a letter from Plaintiffs (attached to this Order as Exhibit 1), noting that Defendants had again missed the deadline to file their response and requesting that the Court "consider ruling on the summary judgment motion based on the papers that have been filed to date." (Ex. 1 at 1.)

On June 2 - over two weeks after their response was due - Defendants ADM and Caramadre filed a Motion for Final Enlargement of Time to Submit Their Responses to Plaintiffs' Motion for Partial Summary Judgment. (ECF No. 218.) They represented to the Court that "[t]he responses are nearly complete, and the Defendants will not require any further enlargement of time in this case." (Id. at 1.) The Court granted Defendants' motion and gave Defendants until June 15 to file their response, but specifically indicated that "no further extensions will be granted." (06/08/2015 Text Order (emphasis in original).) Defendants again failed to meet the deadline and ADM filed this Motion on June 16. The only explanation given was "that due to an exceptionally large caseload, and the incarceration of Defendant Caramadre, additional time was

required to file ADM Associates, LLC's memorandum of law." (ADM's Mot. 1, ECF No. 220.) ADM then filed its Objection to Plaintiffs' Motion for Partial Summary Judgment. (ECF No. 221.)

Defendants have missed the filing deadline for their response three times. Both previous requests for extension were filed after the due date for Defendants' response and failed to adequately explain the dilatory behavior; the Court nevertheless extended the deadline in an effort to accommodate Defendants and their new counsel - but the Court warned that no further extensions would be granted. The Court meant what it said. "[E]nough is enough." Mills v. Maine, 118 F.3d 37, 54 (1st Cir. 1997) (quoting Sarnoff v. American Home Prods. Corp., 798 F.2d 1075, 1079 (7th Cir. 1986)). ADM's counsel's caseload and Mr. Caramadre's incarceration were both issues that Defendants were aware of when they represented in their June 2 motion that they would "not require any further enlargement of time in this case." (Mot. for Final Enlargement of Time 1, ECF No. 218.) There is no excuse for Defendants' repeated failure to comply with the scheduling orders in this case, particularly given the Court's statement that no further extensions would be granted, not to mention the fact that Defendant Caramadre is himself an attorney.

Accordingly, the Motion (ECF No. 220) is hereby DENIED and the Court will disregard ADM's Objection to Plaintiffs' Motion for Partial Summary Judgment (ECF No. 221).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESmith", written over a horizontal line.

William E. Smith  
Chief Judge  
Date: July 12, 2016

# **EXHIBIT 1**

**PIERCE ATWOOD**

**RECEIVED**

**MICHAEL J. DALY**

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May 27, 2016

MAY 31 2016

**U.S. DISTRICT COURT  
DISTRICT OF R.I.**

The Honorable William E. Smith  
United States District Court  
For the District of Rhode Island  
One Exchange Terrace  
Providence, RI 02903

**RE: Transamerica Life Insurance Co., et al v. Joseph Caramadre, et al.  
C.A. No. 09-470/S**

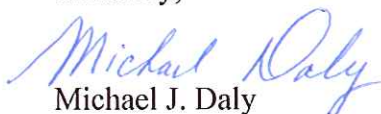
Dear Judge Smith:

In accordance with the briefing scheduling order entered on January 21, 2016, Plaintiffs filed their motion for partial summary judgment against ADM Associates, Mr. Caramadre and Mr. Radhakrishnan on March 17, 2016. Pursuant to that January 21<sup>st</sup> scheduling order, responses to the summary judgment motion were due by April 15, 2016. On April 14, 2016, ADM Associates and Joseph Caramadre were given an extension to May 15, 2016 to respond to Plaintiffs' motion. On May 17, 2016, Plaintiffs agreed to another extension to May 24, 2016 for ADM and Mr. Caramadre to file objections. To date, neither ADM, nor Mr. Caramadre, nor Mr. Radhakrishnan has responded to Plaintiffs' summary judgment motion.

Given the significant passage of time and multiple extensions already provided, we ask that you consider ruling on the summary judgment motion based on the papers that have been filed to date.

Thank you for your continued attention to this matter.

Sincerely,

  
Michael J. Daly

MJD:med

cc: Robert Weber, Esq.  
Joseph Caramadre  
Raymour Radhakrishnan  
Jeffrey Brenner  
Anthony Traini